

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION | : | 04 M.D. 1598 (JSR) |
| -----X | : | |
| PERTAINS TO ALL CASES | : | |
| -----X | : | |

**NOTICE OF FILING OF THE JOINT APPLICATION OF THE
METABOLIFE CRF REFEREE AND CRF APPEAL REFEREE FOR
REIMBURSEMENT OF FEES AND EXPENSES FROM THE MDL EXPENSE FUND**

Professor Eric Green of Resolutions, LLC, the Metabolife Claims Resolution Facility Referee (the “Metabolife CRF Referee”) and Justice John K. Trotter (Retired) of JAMS, the Metabolife CRF Appeal Referee (the “Metabolife CRF Appeal Referee,” and together with the Metabolife CRF Referee, the “CRF Referees”) appointed pursuant to the Metabolife Personal Injury Claimants Resolution Facility (the “Metabolife CRF”), which was an exhibit to and a crucial component of the MII Mediation Trust Agreement (the “Metabolife Mediation Trust Agreement”), hereby provides notice to the Court and all counsel of the filing of its motion for an order pursuant to Section 5.01 of the Metabolife Mediation Trust Agreement approving their joint application for reimbursement of fees and expenses from the MDL Expense Fund (the “Fee Application”).

Section 5.01(b) of the Metabolife Mediation Trust Agreement provides that the fees and expenses incurred by the CRF Referees shall be paid from the MDL Expense Fund upon approval from the MDL Court.

For the reasons set forth in the Memorandum filed simultaneously herewith, the CRF Referees respectfully request that the Court enter an Order (i) approving the Fee Application, (ii)

approving the payment out of the MDL Expense Fund to the Metabolife CRF Referee in the aggregate amount of \$34,919.37, (iii) approving the payment out of the MDL Expense Fund to the Metabolife CRF Appeal Referee in the aggregate amount of \$90,000 and (iv) granting such other relief as the Court deems appropriate.

Dated: March 17, 2008

Respectfully submitted,

By: /s/Eric D. Green

Professor Eric D. Green
Resolutions, LLC
222 Berkeley Street, Suite 1060
Boston, MA 02116
Telephone: (617) 556-0800

By: /s/John K. Trotter

The Honorable John K. Trotter (Retired)
JAMS
500 N. State College Blvd., Suite 600
Orange, California 92868
Telephone: (714) 939-1300

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served electronically via the Court's electronic filing system on the 17th day of March, 2008 upon all counsel of record.

By: /s/Steven B. Smith

Steven B. Smith

BROWN RUDNICK BERLACK ISRALES LLP

cc: The Honorable Jed S. Rakoff
United States District Court, Southern District of New York
J. Michael McMahon, Clerk of Court
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1340
New York, NY 10007-1317

Special Master James Niss
400 Riverside Drive 3C
New York, NY 10025

Russell S. Briggs, Esq.
Fibich, Hampton & Leebron, LLP
Five Houston Center
1401 McKinney Suite 1800
Houston, Texas 77010

Leslie W. O'Leary, Esq.
Williams Love O'Leary & Powers, P.C.
9755 SW Barnes Road, Suite 450
Portland, OR 97225

Steven J. Skikos, Esq.
Lopez, Hodes, Restaino, Milman & Skikos
625 Market Street, 11th Floor
San Francisco, CA 94105

Janet G. Abaray, Esq.
Burg Simpson Eldredge Hersh & Jardine, P.C.
312 Walnut Street, Suite 2090
Cincinnati, OH 45202

Edward Blizzard, Esq.
Blizzard, McCarthy & Nabers, LLP
440 Louisiana, Suite 1710
Houston, Texas 77002

Anne Andrews, Esq.
Andrews & Thornton
2 Corporate Park, Suite 110
Irvine, CA 92606

Paul Rheingold, Esq.
Rheingold, Valet, Rheingold, Shkolink & McCartney, LLP
113 E. 37th Street
New York, NY 10016

Robert Roden, Esq.
Shelby Roden LLC
2956 Rhodes Circle
Birmingham, AL 35205

Robert Rikard, Esq.
Whetstone, Myers, Perkins & Young
1303 Blanding Street
Columbia, SC 29201

Paul Hanly, Jr., Esq.
Hanly, Conroy, Bierstein & Sheridan, LLP
415 Madison Avenue
New York, NY 10017